

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:) Chapter 7
ELECTRIC VEHICLE COMPONENTS, LLC,) Bankruptcy No. 10-18150
d/b/a EV Components,)
Debtor(s).)

In re:)
ELECTRIC VEHICLE COMPONENTS, INC.,)
d/b/a EV Components,)
Debtor(s).)

BANKRUPTCY ESTATE OF ELECTRIC
VEHICLE COMPONENTS, LLC, by and
through Michael B. McCarty, Bankruptcy
Trustee,

Plaintiff,

v.

JAMES MORRISON and JANE DOE
MORRISON, husband and wife, and the
marital community comprised thereof,

Defendant.

Adversary No.

COMPLAINT FOR TURNOVER OF
PROPERTY AND FOR RECOVERY
OF PREFERENCE

COMES NOW Michael B. McCarty, the trustee herein, through counsel, The Rigby Law
Firm, and James Rigby and alleges as follows:

1. Plaintiff is the duly qualified and acting trustee in this case.

**COMPLAINT FOR TURNOVER OF
PROPERTY AND FOR RECOVERY OF
PREFERENCE**

100826gCmp Page 1

THE RIGBY LAW FIRM
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1 2. Defendants are residents of King County, Washington. The acts of defendant James
2 Morrison were for the benefit of his community, which is liable therefor. Jane Doe Morrison is
3 believed to be the spouse of James Morrison.

4 3. The court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§
5 157 and 1334, 11 U.S.C. §§ 542, 547, 548 and 550, and Bankruptcy Rule 7001. This is a core
6 proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (E), (F), (H) and (O). Venue in this court is
7 proper under 28 U.S.C. §§ 1391 and 1409.

8 4. The trustee is informed and believes and therefore alleges that among the property
9 of the estate are the following assets: computers, office equipment, other machinery and equipment,
10 and inventory.

11 5. The trustee is informed and believes and therefore alleges that the property is under
12 the control of the defendants, and that said property is property which the trustee may use, sell or
13 lease pursuant to 11 U.S.C. § 363.

14 6. The trustee has demanded turnover of the property, but the defendants have refused
15 to turn over the property.

16 7. The trustee is informed and believes and therefore alleges that said property has a fair
17 and reasonable value in the amount of \$364,034.42, based upon the bankruptcy schedules signed
18 under the penalty of perjury by defendant James Morrison.

19 8. On or after one year before the filing of the petition commencing this case, the debtor
20 transferred to defendant James Morrison, an unsecured inside creditor, a security interest in the
21 personal property.

22 9. Upon information and belief, said transfer was made for and on account of an
23 antecedent debt owed by the debtor to the defendants.

24 10. At the time of said transfer, the debtor was insolvent.
25

1 11. The transfer referred to in the preceding paragraphs enabled the defendants to receive
2 more than they would have received under Chapter 7 of the Bankruptcy Code if the transfer had not
3 been made.

4 12. By reason of the foregoing, the defendants are liable to the plaintiff in the sum above
5 stated, and for any other money or property transferred by the debtor to the defendants within one
6 year prior to filing the petition, pursuant to 11 U.S.C. §§ 547 and 550.

7 13. By reason of the foregoing, should the defendants deny creditor status, the transfer
8 of the security interest in assets as described above, and any additional funds or assets received
9 within one year of the bankruptcy, are fraudulent conveyances and avoidable by plaintiff pursuant
10 to §§ 548 and 550 of the Bankruptcy Code.

11 WHEREFORE, plaintiff prays for judgment as follows:

12 (a) that the defendants be ordered to surrender and deliver possession of the property of
13 the estate described herein to plaintiff; or

14 (b) in the alternative, for a judgment in the amount stated above;

15 (c) avoiding the transfer of the security interest;

16 (d) for costs of suit incurred herein; and

17 (e) for such other and further relief as the court deems just and property.

18 DATED this 26th day of August, 2010.

19 THE RIGBY LAW FIRM

20 */S/ James Rigby*

21 _____
22 James Rigby, WSBA #9658
23 Of Attorneys for Plaintiff/Trustee